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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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APPLICANT(s): Jokimies, M.

Technology Center 2600

SERIAL NO.: 09/028,726

ART UNIT: 2682

FILING DATE: 02/24/1998

EXAMINER: Appiah, C.

TITLE: CELL PRIORITISING IN A CELLULAR RADIO SYSTEM

ATTORNEY

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Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES



APPELLANT'S REPLY BRIEF
(37 C.F.R. §1.193(b))

This is in response to an Examiner's Answer of October 23, 2003.

Applicant again states that the list of Chavez would be exactly the same for each mobile station (or wireless terminal) assigned to the tenant in question. Thus, such an internal list is not terminal-specific. If and when there are several terminals registered to a particular tenant, which is a condition expressly taught in Chavez, each of these terminals receives exactly the same list from the network. The list of base stations stored in a network is not terminal-specific, it is tenant-specific.

The Examiner has cited Geuns for the proposition that specification limitations cannot be read into the claims. In

that case, there was an attempt to read the art (NMR & MRI) into the claims even though the art was not expressly recited in the claims. This is not the case here where all claims do expressly recite the art ("cellular radio system"). Thus the holding of Geuns is irrelevant. In fact, in the present case the art must be used to interpret the claims since it is an express part of them. Therefore, the phrase "terminal-specific" must be construed in the manner discussed in the Appellant's Brief. As so construed, the claims define over Chavez.

Wang also fails to disclose the terminal-specific feature. Thus adding it to the Chavez does not result in the present invention.

Similarly, ETSI fails to disclose the above feature. Thus adding it to Chavez and Wang does not result in the present invention.

In conclusion, even if the references are somehow combined, the resulting combination will not have data specific to a terminal, which has the advantage of allowing the system operator to set different priorities for different devices.

Respectfully submitted,


Henry J. Steckler
Reg. No.: 24,139

Nov 25, 2003
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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